

UNITED STATES DISTRICT COURT

for the

Western District of North Carolina

United States of America)	
v.)	
WALTER EUGENE MARTIN)	Case No: <u>3:93CR39-5</u>
Date of Previous Judgment: <u>May 27, 1994</u>)	USM No: <u>10218-058</u>
(Use Date of Last Amended Judgment if Applicable))	<u>No attorney</u>
)	Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☒ **DENIED.** ☐ **GRANTED** and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months **is reduced to** _____.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: <u>36</u>	Amended Offense Level: <u>34</u>
Criminal History Category: <u>I</u>	Criminal History Category: <u>I</u>
Previous Guideline Range: <u>240</u> to <u>240</u> months	Amended Guideline Range: <u>240</u> to <u>240</u> months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☒ **Other (explain):** No reduction in Count Fourteen. While a Motion for Downward Departure under USSG §5K1.1 was granted by the Court, no waiver was filed under 3553(e). Therefore, the revised sentence is restricted to the mandatory minimum of 20 years in this case. Therefore, Amendment 706 had no impact on the defendant's sentence in this case.

III. ADDITIONAL COMMENTS

***The defendant also received a consecutive sentence in Count 8 and a concurrent sentence (to Count Fourteen) in Count Nine for convictions of 18 U.S.C. § 924(c) and 2.

Except as provided above, all provisions of the judgment dated May 27, 1994, shall remain in effect.

IT IS SO ORDERED.

Order Date: May 12, 2009

Effective Date: _____
(if different from order date)



Graham C. Mullen
United States District Judge

